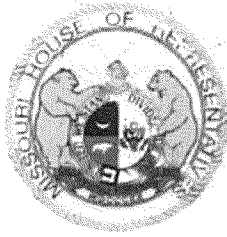


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**MISSOURI HOUSE OF  
REPRESENTATIVES**

**Kirk Mathews**

State Representative  
District 110

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EXECUTIVE SECRETARIAT

The Honorable Gina McCarthy  
Administrator  
United States Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, NW, Mail Code 1401A  
Washington D.C. 20460

**Re: 1 Hour National Ambient Air Quality Standard for Sulfur Dioxide**

Dear Administrator McCarthy:

I understand that on February 17, 2016, the United States Environmental Protection Agency (USEPA) rejected the state of Missouri's recommendation that the Franklin County Missouri Area be classified as "unclassifiable" for the revised 1 Hour National Ambient Air Quality Standard for Sulfur Dioxide (1 Hour SO<sub>2</sub> NAAQS) promulgated by USEPA. Instead, USEPA has proposed that the Franklin County Missouri Area be designated as non-attainment. EPA's proposed decision is contrary to the overwhelming technical information, and the proposed decision violates the intent of the state of Missouri's decision, expressed through a vote of the general assembly and signature by the Governor, to require that any designation within its own borders be based upon the best available scientific information including actual monitored data. USEPA decision is arbitrary, wrong and must be reversed.

The 1 Hour SO<sub>2</sub> NAAQS arises from the Clean Air Act and is more specifically defined in the code of federal regulations 40 CFR 50.17. The specific requirement is: 1-hour SO<sub>2</sub> standard of 75 ppb. In 2015 the Missouri legislature enacted Senate Bill 445 which was signed into the law by Governor Nixon. SB445 provides that designation decisions should be made with full consideration of the best available information including, if a source elects to install a monitoring network, actual ambient air quality data collected.

Two air monitors were installed in April, 2015 at locations around the Labadie Energy Center. The locations were chosen pursuant to EPA criteria. One monitor has operated continuously since installation. The other operated continuously until it was impacted by the Christmas flood but I understand it will resume operating this month. There has not been a single reading on either monitor in which the 1 Hour SO<sub>2</sub> NAAQS was exceeded. The highest measured values range between 14 and 56 ppb, anywhere between 77% and 25% below the standard. A summary of the highest measured values is included in Attachment 1.

I believe that the EPA should use the best scientific data available to determine the quality of our air. Decisions regarding air classification should be factual rather than political.

For the people of Franklin County Missouri, this is a serious matter. A non-attainment designation will have serious, long-term negative economic consequences.

EPA's reliance on flawed science also has the long-term effect of eroding public confidence in the agency's credibility.

After full consideration of the best available information and actual data collected around the Franklin County Missouri Area, MDNR recommended to USEPA that the area be classified as "unclassifiable". In light of all the uncertainties around the air quality prediction model used by the regulators in these designation efforts and the almost one full year of actual monitored data that shows the air quality is far below the 1 Hour SO<sub>2</sub> NAAQS, MDNR believed, correctly, that more information is needed before a correct designation decision could be made. There is no benefit to recommending an area as non-attainment if the modeling cannot be considered reliable (even USEPA believes the model is not reliable without corrections under certain circumstances), and if full consideration of actual data could very well demonstrate that the area actually attains the standard.

Instead of celebrating the collective, positive air quality information, including specifically the actual data trending towards attainment and modeling showing attainment when site specific variables are used rather than generic default options, the USEPA rejected MDNR's recommendation and instead proposed a designation of non-attainment.<sup>1</sup> In rejecting MDNR's strongly supported recommendation, USEPA has failed the state of Missouri and its residents. There is no excuse for USEPA's failure to consider the monitored data gathered to date, failure to consider its own admitted flaws of modeling over prediction and failure to honor the mandate of the state of Missouri that designation decisions be based on good and meaningful science.

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<sup>1</sup> The Agency also drew the jurisdictional boundaries to now include portions of Franklin County and portions of St. Charles County.

The Honorable Gina McCarthy  
Page 3

USEPA's decision to designate the Franklin County Missouri Area as non-attainment is arbitrary and erroneous. We ask that USEPA make a science based decision and classify the Franklin County, Missouri Area as unclassifiable so that additional technically sound data can be gathered to make a correct designation.

Sincerely,

A handwritten signature in black ink, appearing to read 'K Mathews', with a stylized flourish at the end.

Kirk Mathews  
State Representative District 110

cc: The Honorable Sara Parker Pauley, Missouri Department of Natural Resources  
EPA Docket Center

CH2-179835201

Ambient SO<sub>2</sub> Concentration Data from Labadie Area Monitoring Sites

Valley Monitor

Highest measured values since April 2015

| Date       | Hour | Measured Concentration (ppb) | USEPA Standard (ppb) | Percent Below Standard |
|------------|------|------------------------------|----------------------|------------------------|
| 10/10/2015 | 1300 | 56                           | 75                   | -25.3%                 |
| 08/27/2015 | 1200 | 51                           | 75                   | -32.0%                 |
| 11/09/2015 | 1400 | 34                           | 75                   | -54.7%                 |
| 11/09/2015 | 1500 | 32                           | 75                   | -57.3%                 |
| 10/22/2015 | 1100 | 30                           | 75                   | -60.0%                 |
| 10/10/2015 | 1400 | 23                           | 75                   | -69.3%                 |
| 05/27/2015 | 1000 | 21                           | 75                   | -72.0%                 |
| 07/09/2015 | 1300 | 19                           | 75                   | -74.7%                 |
| 10/21/2015 | 1100 | 19                           | 75                   | -74.7%                 |
| 11/11/2015 | 2300 | 19                           | 75                   | -74.7%                 |
| 08/13/2015 | 1500 | 19                           | 75                   | -74.7%                 |
| 12/22/2015 | 800  | 18                           | 75                   | -76.0%                 |
| 08/27/2015 | 1300 | 18                           | 75                   | -76.0%                 |
| 10/08/2015 | 1200 | 17                           | 75                   | -77.3%                 |

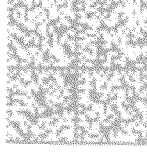
Northwest Monitor

Highest measured values since April 2015

| Date       | Hour | Measured Concentration (ppb) | USEPA Standard (ppb) | Percent Below Standard |
|------------|------|------------------------------|----------------------|------------------------|
| 05/01/2015 | 1600 | 38                           | 75                   | -49.3%                 |
| 11/08/2015 | 1200 | 35                           | 75                   | -53.3%                 |
| 05/01/2015 | 1500 | 29                           | 75                   | -61.3%                 |
| 11/09/2015 | 1400 | 28                           | 75                   | -62.7%                 |
| 12/22/2015 | 800  | 26                           | 75                   | -65.3%                 |
| 11/09/2015 | 1300 | 20                           | 75                   | -73.3%                 |
| 05/01/2015 | 1700 | 19                           | 75                   | -74.7%                 |
| 11/08/2015 | 1300 | 18                           | 75                   | -76.0%                 |
| 08/15/2015 | 1300 | 15                           | 75                   | -80.0%                 |
| 10/10/2015 | 1300 | 15                           | 75                   | -80.0%                 |
| 10/10/2015 | 1200 | 14                           | 75                   | -81.3%                 |
| 12/15/2015 | 900  | 14                           | 75                   | -81.3%                 |
| 05/01/2015 | 1200 | 14                           | 75                   | -81.3%                 |
| 05/01/2015 | 1800 | 14                           | 75                   | -81.3%                 |

Missouri House of Representatives  
Representative Kirk Mathews  
District 110  
201 West Capitol Ave, Rm 203  
Jefferson City, MO 65101-6806

RETURN SERVICE  
REQUESTED



The Honorable Gina McCarthy  
Administrator  
United States Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, NW, Mail Code 1101A  
Washington D.C. 20460

MAR 15 2018



